

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DERRICK E. VINZANT,

Petitioner,

-vs-

ALAN LAZAROFF, Warden,

Respondent.

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Case No. 3:04-cv-444

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Magistrate Judge Michael R. Merz

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**ORDER VACATING STAY AND SETTING FURTHER PROCEEDINGS**

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On August 5, 2005, this Court stayed all further proceedings here pending exhaustion of state court proceedings on claims which were then unexhausted (Doc. No. 32). Although ordered to do so, Petitioner has not kept the Court informed of the status of the state court matters, but the Court has been able to monitor the progress of the case by examining from time to time the on-line dockets of the state courts in which the matter has been pending. By examining the Ohio Supreme Court docket, the Court has learned that that court denied Petitioner leave to appeal on February 4, 2009. It thus appears the state court proceedings are at an end.

Accordingly, the stay of these proceedings is VACATED and the case is ordered returned to the active docket.

Not later than April 15, 2009, Petitioner shall file an amended petition setting forth all claims he now makes for habeas corpus relief; if any said claims were not previously made, the amended petition shall be accompanied by a memorandum showing why the new claims are not barred by the statute of limitations. Not later than thirty days after the amended petition is filed, Respondent shall

file an amended answer conforming to Rule 5 of the Rules Governing § 2254 Cases. Not later than twenty-one days after the amended answer, Petitioner may file a reply, accompanied by a motion for evidentiary hearing if such a hearing is still desired and available under the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No 104-132, 110 Stat. 1214)(the “AEDPA”).

March 13, 2009.

s/ **Michael R. Merz**  
United States Magistrate Judge